

UNITED STATES DISTRICT COURT

for the

District of NEW MEXICO**FILED**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOUnited States of America
v.

SEP 05 2014

Case No. 14-MJ-2998
MATTHEW J. DYKMAN
CLERKADRIAN LOPEZ
YEAR OF BIRTH 1989
SSAN XXX-XX-5469*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/28/2014 in the county of SAN JUAN in the
District of NEW MEXICO, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
TITLE 18 USC SECTION 111	ASSAULT ON A FEDERAL OFFICER

This criminal complaint is based on these facts:
SEE ATTACHED AFFIDAVIT☒ Continued on the attached sheet.*Complainant's signature*SPECIAL AGENT BRAD MICHAEL, FBI*Printed name and title*

Sworn to before me and signed in my presence.

Date: 09/05/2014*Judge's signature*City and state: FARMINGTON, NMB. PAUL BRIONES, U.S. MAGISTRATE JUDGE
Printed name and title

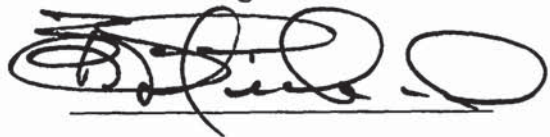
AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, being duly sworn, do hereby depose and state:

1. I am a regularly appointed Special Agent (SA) of the Federal Bureau of Investigation (FBI). I have been an FBI agent for approximately 23 years, and was a police officer for eight years before joining the FBI. I am currently assigned to the Farmington, NM, Resident Agency (RA) where I primarily investigate violent crimes on the Navajo and Jicarilla Apache Indian reservations. These crimes include murder, rape, armed robbery, child sexual assaults, and serious assaults, to include assaults upon police officers.
2. Navajo Division of Criminal Investigation (NDCI) Criminal Investigator (CI) Louis St. Germaine notified me of an incident which had happened on 07/28/2014 in which a tribal police officer, referred to hereinafter as John Doe, had been assaulted following a vehicle pursuit.
3. CI St Germaine and I obtained police reports from the incident and interviewed Officer Doe. Doe said he joined in on a pursuit through Shiprock of a speeding Chevrolet Tahoe that refused to pull over for another tribal officer. The chase led south through Shiprock, then east on Navajo Route 36 (N36). The Tahoe drove recklessly and at a high rate of speed, once driving into oncoming traffic. The vehicle struck the rear of a parked semi-tractor truck on N36 but continued on for some distance before the driver lost control and drove off the road and through a fence.
4. Two passengers exited the vehicle and attempted to run away. One of them, a 25 year old Navajo male named Adrian Lopez, refused commands by Officer Doe and others on scene to submit to arrest. Lopez and the other passenger, a female, then grabbed each other around the waist and fell to the ground and actively resisted being handcuffed. One officer used pepper spray on them, but it had no effect. The officers physically pulled them apart and attempted to handcuff them.
5. During the process of separating Lopez and the female, Lopez was swearing loudly and demanding the officers to fight him. Officer Doe was carrying a rifle, which he had slung across his back when he went to handcuff Lopez. Lopez grabbed the strap of Doe's rifle and pulled Doe to the ground. Lopez then punched Doe three or four times in the side of the head. The punches were hard enough that other officers noted in their reports they could hear the blows land.
6. Another officer then used an expandable metal baton to strike Lopez across the arms and back to make him stop punching Doe, who appeared stunned. Lopez grabbed the baton and attempted to wrest it from the officer's grip. Doe had recovered enough to get one

handcuff on Lopez, but was unable to get the other one on Lopez due to the violence of the struggle. A third officer arrived and the officers were able to handcuff Lopez, using two sets of handcuffs hooked together.

7. Officer Doe's uniform shirt was torn and the side of his head was swollen and red. Doe said he was stunned by the blows but didn't lose consciousness.
8. CI St Germaine and I interviewed Lopez on 09/02/2014. He said he was the passenger in a car driven by his sister during a high-speed pursuit with the Navajo police. Lopez said he tried to run away after the chase ended in a crash, but he was caught by officers. Lopez said he then locked arms with his girlfriend, and fell to the ground. Lopez became angry when he was pepper sprayed by the officers, and also angered when a female officer pulled his girlfriend away by her hair. He said he then grabbed a male officer by his belt and threw him to the ground. Lopez said he used both hands to slam the officer's head into the ground three or four times. Lopez denied punching the officer.
9. Officer Doe was in full uniform at the time of the incident, and was driving a fully marked Navajo Police Department vehicle equipped with lights and siren. Officer Doe was working his regular duty shift at the time. Officer Doe had completed Bureau of Indian Affairs (BIA) training and is in possession of a BIA Special Law Enforcement Commission (SLEC) card.
10. Based on the above, I believe probable cause exists to believe Adrian Lopez committed the offense of Assaulting a Federal Officer in violation of Title 18 USC Section 111, to wit: he forcibly assaulted John Doe by making physical contact with Doe and causing injury, while Doe was in the performance of his actual official duties as an officer of the Bureau of Indian Affairs, an Agency of the United States government. I request a warrant for the arrest of Adrian Lopez be issued for the above charge.



Brad Michael, Special Agent, FBI

Sworn to before me on this date in Farmington

09/05/2014

NM



Paul Briones, US Magistrate Judge

